

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

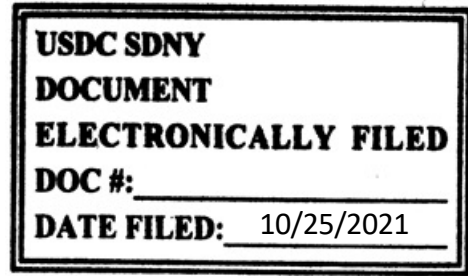
Ashu Shukla,

Plaintiff,

-against-

Apple Inc. et al.,

Defendants.



1:21-cv-03287 (JMF) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Pending before the Court are Plaintiff's "Motion to Change the Date of Filing of Plaintiff's Complaint and Summons," filed April 27, 2021 (ECF No. 7), and "Motion for Miscellaneous Relief," filed May 7, 2021 (ECF No. 10), the latter of which requests that the Court (a) modify the filing date of Plaintiff's Complaint and Summons; (b) "recognize the well pleaded facts on the complaint"; (c) "recognize that certain sections of [P]laintiff's complaint have not been reviewed by any court previously"; and (d) extend Plaintiff's time to serve each Defendant with a properly time-stamped Complaint and Summons (*id.* at 2). Each Defendant opposed these motions on September 29, 2021 (Deloitte Ltr. Opp., ECF No. 64; Apple Ltr. Opp., ECF No. 65), and Plaintiff filed a Reply on October 8, 2021 (ECF No. 72).

Each Defendant argues that Plaintiff's requests for modification of the filing date and extension of the service deadline are moot. (*See* Deloitte Ltr. Opp. at 2, 4; Apple Ltr. Opp. at 2.) Each Defendant has responded to Plaintiff's Complaint without raising any defense related to the filing date or the timeliness of service. (*See generally* Deloitte Mem. L. Supp. Mot. Dismiss, ECF No. 54; Apple Mem. L. Supp. Mot. Dismiss, ECF No. 75.) Accordingly, Plaintiff's Motion to Change

the Date of Filing of Plaintiff's Complaint and Summons, and those portions of Plaintiff's Motion for Miscellaneous Relief seeking modification of the filing date and extension of the service deadline, are DENIED WITHOUT PREJUDICE AS MOOT. If either Defendant later seeks to assert any defense implicating these issues, Plaintiff may renew his applications.

Those portions of Plaintiff's Motion for Miscellaneous Relief asking the Court to "recognize the well pleaded facts on the complaint" and "recognize that certain sections of [P]laintiff's complaint have not been reviewed by any court previously" are unsupported by any relevant law—or discernable argument—and have no procedural basis of which the Court is aware. They are DENIED accordingly.

Thus, Plaintiff's Motion to Change the Date of Filing of Plaintiff's Complaint and Summons is DENIED WITHOUT PREJUDICE AS MOOT, and Plaintiff's Motion for Miscellaneous Relief is DENIED in part and DENIED WITHOUT PREJUDICE AS MOOT in part.

SO ORDERED.

Dated: October 25, 2021
New York, New York



STEWART D. AARON
United States Magistrate Judge